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Reply to:
Consumer Advocate and Protection Division
Post Office Box 20207
Nashville, TN 37202

December 8, 2003

Honorable Deborah Taylor Tate
Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

IN RE: TARIFF TO ESTABLISH CONSUMER WIRELESS COMBINED BILL
REWARD OFFER -- TARIFF NUMBER: 20031379. DOCKET NO. 03-00624

Dear Chairman Tate:

Enclosed is an original and thirteen copies of the Consumer Advocate and Protection Division's Complaint and Petition To Intervene in regards to Docket No. 03-00624. Kindly file same in this docket. Copies are being sent to all parties of record. If you have any questions, kindly contact me at (615)741-8733. Thank you.

Sincerely,

VANCE BROEMEL
Assistant Attorney General

cc: All Parties of Record

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**IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:)	
)	
BELLSOUTH CONSUMER WIRELESS)	DOCKET NO. 03-00624
COMBINED BILL REWARD OFFER)	
)	

COMPLAINT AND PETITION TO INTERVENE

Comes Paul G. Summers, the Attorney General for the State of Tennessee, through the Consumer Advocate and Protection Division of the Office of the Attorney General (hereinafter "Consumer Advocate"), pursuant to Tenn. Code Ann. § 65-4-118(c)(2)(A), and submits this Complaint and petitions to intervene in this docket on behalf of the public interest because consumers may be adversely affected by the proposed tariff because it does not clearly state that it is subject to the resale requirements of the federal Telecommunications Act of 1996 and does not set forth any valid reasons for any such exemption. For cause, the Petitioner would show as follows:

1. The Consumer Advocate is authorized by Tenn. Code Ann. § 65-4-118 (c)(2)(A) to initiate a contested case, and participate or intervene in proceedings to represent the interests of Tennessee consumers in accordance with the Uniform Administrative Procedures Act ("UAPA").
2. BellSouth Telecommunications, Inc. ("BellSouth") is an incumbent Local Exchange Company operating in the State of Tennessee, regulated by the Tennessee Regulatory Authority ("TRA"), and offering telecommunications services to Tennessee consumers.
3. The present docket, Docket No. 03-00624, involves a tariff for a service known as BellSouth Consumer Wireless Combined Bill Reward Offer. As the name indicates, this tariff

offers a "combination" or "bundle" of services which includes, among others, such services as: BellSouth Complete Choice Service; BellSouth Long Distance; and Cingular Wireless. From a reading of the tariff, it appears that some of these "bundled" services are regulated by the TRA, and some are unregulated.

4. The tariff filed by BellSouth does not explicitly provide that it is subject to resale. This is a matter of concern for the Consumer Advocate because in a previous "bundled" tariff offering, BellSouth's Promotion to Introduce BellSouth Integrated Solutions Program, TRA Docket No. 03-00512, BellSouth has taken the position that neither the tariff nor any of the "bundle" of services offered in the tariff are subject to resale. In addition, BellSouth has taken a similar position with regard to resale in BellSouth Wireless Answers Bundle, TRA Docket No. 03-00554 (this proposed tariff offers a "\$2, \$5, or \$10 discount on their Cingular service" as opposed to the present tariff's 10% discount). Accordingly, the Consumer Advocate is concerned about letting the present tariff, Tariff to Establish the BellSouth Consumer Wireless Combined Bill Reward Offer, go into effect without a clear understanding that it is subject to resale and the terms upon which it or any of the bundled parts are subject to resale.

5. The federal Telecommunications Act of 1996 "requires incumbent LECs [such as BellSouth] to offer at 'wholesale rates' any telecommunications services that the carrier provides at retail to subscribers who are not telecommunications carriers." FCC Order 96-325 at Paragraph 878. See also 47 U.S.C. § 251(c)(4) (2001). BellSouth has set forth no statutory authority for exempting the subject service from the Act, nor has BellSouth offered any authority for the position that "non-regulated" services are not subject to resale.

6. Furthermore, BellSouth has not offered any state or federal authority for the position


that "bundling" a product which is subject to resale with a product which is not subject to resale exempts the "bundled" product.

7. Accordingly, the TRA should not approve the proposed tariff.

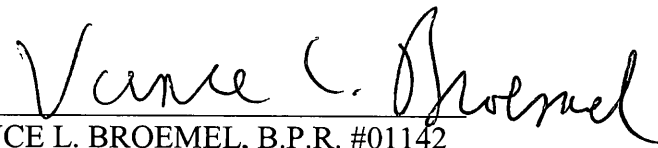
8. Only by intervening and participating in this proceeding can the Consumer Advocate work to protect the public interest.

Wherefore, the Petitioner prays the Authority to grant its Petition to Intervene and convene a contested case, and grant such other relief as may be appropriate.


RESPECTFULLY SUBMITTED,
PAUL G. SUMMERS, B.P.R. #6285



ANDY BENNETT, B.P.R. # 009894
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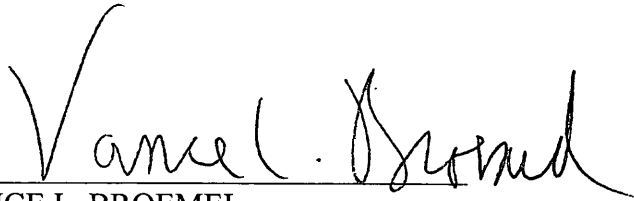
Dated: December , 2003

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via hand delivery or facsimile on December 8, 2003

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